

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Alan Kachalsky, Christina Nikolov, and	:	
Second Amendment Foundation,	:	
	:	
Plaintiffs,	:	<b>Civil Action Number:</b>
	:	<b>10-cv-5413</b>
-against-	:	
	:	<b>(Hon. Cathy Seibel)</b>
Susan Cacace, Jeffrey A. Cohen, and	:	
County of Westchester,	:	
	:	
Defendants.	:	
-----X		

**DECLARATION OF MARGE COHEN**

Marge Cohen, declares and states, under penalties of perjury, as follows:

1. I am a Program Research Specialist in the Office of Justice Research & Performance of the New York State Division of Criminal Justice Services ("DCJS"). In that capacity I am a duly authorized custodian of, and a person authorized by DCJS to certify the authenticity of memoranda, reports, records and data compilations kept by DCJS in the course of its regularly conducted business activities.
2. DCJS electronically maintains records regarding criminal arrests and convictions within New York as well as criminal history, and the records and data regarding criminal arrests, convictions and criminal history data attached hereto are kept by DCJS in the ordinary course of its business. This information is received at the time of the act, transaction, occurrence or event recorded therein or within a reasonable time thereafter, is recorded as a regular practice of DCJS and the state court system, it is a regular practice of DCJS to make and keep such data, and the data is maintained by DCJS in the regular course of the agency's business.

Pursuant to 28 U.S.C. §1746 I declare under penalty of perjury that the foregoing  
is true and correct. Executed on January 19, 2011.

Marge Ole

**2009 FELONY ARRESTEES  
21 YEARS AND OLDER**

	Total Arrestees	# with Prior Fel Convs	%
Oneida	1,005	394	39.2%
Onondaga	2,396	910	38.0%
Westchester	3,644	1,084	29.7%
New York State	109,705	36,461	33.2%

Source: DCJS, Computerized Criminal History Oracle file as of 12/20/2010.

**PRIOR FELONY CONVICTIONS AMONG PERSONS  
ARRESTED FOR FELONY PL 125 HOMICIDE  
BY YEAR AND ARRESTING COUNTY  
21 YEARS AND OLDER**

Year		Oneida	Onondaga	Westchester
2000	Persons Arrested	6	24	47
	# with Prior Fel Conv	2	8	19
2001	Persons Arrested	7	13	40
	# with Prior Fel Conv	1	5	15
2002	Persons Arrested	10	22	34
	# with Prior Fel Conv	4	9	13
2003	Persons Arrested	11	13	32
	# with Prior Fel Conv	3	2	17
2004	Persons Arrested	9	22	20
	# with Prior Fel Conv	4	11	7
2005	Persons Arrested	10	19	30
	# with Prior Fel Conv	6	10	13
2006	Persons Arrested	12	21	17
	# with Prior Fel Conv	5	9	5
2007	Persons Arrested	13	17	28
	# with Prior Fel Conv	4	6	14
2008	Persons Arrested	11	14	9
	# with Prior Fel Conv	6	4	3
2009	Persons Arrested	5	12	16
	# with Prior Fel Conv	2	6	5

Note: Includes all completed and attempted PL 125 felony arrest charges

Source: DCJS, Computerized Criminal History Oracle file as of 12/20/2010.